

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DISH NETWORK L.L.C.,

Plaintiff,

v.

HUNG TRAN and THI NGA NGUYEN,
d/b/a Easybox IPTV,

Defendants.

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Civil Action No. 4:19-cv-2994

Declaration of Stephen M. Ferguson

I, Stephen M. Ferguson, of Houston, Texas declare as follows:

1. I am admitted to practice in Texas, and an attorney with the firm of Hagan Noll & Boyle LLC (“HNB”), counsel for Plaintiff DISH Network L.L.C. (“DISH”). I make this declaration based on personal knowledge and, if called on to testify, would testify competently as stated herein. This declaration is made in support of DISH’s Motion for Default Judgment Against Hung Tran and Thi Nga Nguyen (collectively, Defendants).

Copyright Infringement Notices

2. Attached as **Exhibit 1** is a true and correct copy of 112 copyright infringement notices that HNB sent to Easybox on behalf of DISH and members of the International Broadcaster Coalition Against Piracy between January 27, 2016 and May 25, 2019. HNB did not receive a response to these notices.

3. Attached as **Exhibit 2** is a true and correct copy of copyright infringement notices that HNB sent to service providers of the Easybox service on behalf of DISH and members of the International Broadcaster Coalition Against Piracy between February 8, 2016 and June 7, 2019.

4. Attached as **Exhibit 3** is a screenshot taken from the Internet Archive of the webpage previously accessible at <https://www.easybox.tv/where-to-buy/>, identifying the email address info@easybox.tv.

Jurisdiction

5. Defendants Hung Tran (“Tran”) and Thi Nga Nguyen (“Nguyen”) were served with summons, DISH’s First Amended Complaint (Dkt. 12), Order for Conference (Dkt. 4), and Order Resetting Conference (Dkt. 11) on November 21, 2019, at their respective residences via a co-resident, and on December 7, 2019, via first-class mail, with acknowledgement of receipt. (*See* Dkts. 18-19.)

6. Attached as **Exhibit 4** are the information pages for PayPal accounts owned by Tran and Nguyen, which I received in response to a subpoena issued to PayPal, Inc. Attached as **Exhibit 5** are relevant portions of transaction records produced by PayPal from Tran’s PayPal account supporting Defendants’ sale of approximately 95 Easybox set-top boxes (totaling \$22,912) to persons in the United States. I added the portions in grey, including the total for the “Local Currency Amount” column and an “Est. Qty.” column for the approximate number of Easybox set-top boxes sold.

7. Attached as **Exhibit 6** are documents concerning payments made via PayPal from Tran to Xpert Fulfillment Inc., of Benzonia, Michigan, which I received in response to a subpoena issued to Xpert Fulfillment Inc. Attached as **Exhibit 7** are invoices produced by Xpert Fulfillment Inc. accounting for its receipt of 453 Easybox set-top boxes.

8. Attached as **Exhibit 8** are emails between a representative of Finest Bargain Inc., of Folcroft, Pennsylvania and Defendants, which I received in response to a subpoena issued to Finest Bargain Inc. The emails show that Defendants used the email address export@easybox.tv

to contract with a United States warehousing and logistics service provider and claimed ownership of a US bank account.

9. Attached as **Exhibit 9** are documents showing payments from Finest Bargain Inc. to Defendants' respective PayPal accounts. Attached as **Exhibit 10** are invoices from Defendants to the representative of Finest Bargain Inc. These documents evidence Defendants sale of approximately 71 Easybox set-top boxes to Finest Bargain Inc. or its representative.

Copyright Registrations

10. Attached as **Exhibit 11** is a true and correct copy of Certificates of Registration from the United States Copyright Office for the following Al Jazeera Media Network works:

- 1) Hashtag, December 6, 2017 – Reg. # PA0002107544
- 2) News Bulletin, December 6, 2017 – Reg. # PA0002107543

11. Attached as **Exhibit 12** is a true and correct copy of Certificates of Registration from the United States Copyright Office for the following ARY Digital USA, LLC works:

- 3) Aangan, Ep. # 36 (2018) – Reg. # PA2145454
- 4) Bubbly Kya Chahti Hai, Ep. # 103 (2018) – Reg. # PA2145456
- 5) Bubbly Kya Chahti Hai, Ep. # 112 (2018) – Reg. # PA2145471
- 6) Dilli Walay Dularay Babu, Ep. # 90 (2018) – Reg. # PA2145474
- 7) Good Morning Pakistan, July 20, 2018 – Reg. # PA2145464
- 8) Good Morning Pakistan, September 11, 2018 – Reg. # PA2154607
- 9) Jeeto Pakistan, July 20, 2018 – Reg. # PA2145462
- 10) Jeeto Pakistan, September 14, 2018 – Reg. # PA2195023
- 11) Kab Mere Kehlaoge, Ep. # 94 (2018) – Reg. # PA2145473
- 12) Nibah, Ep. # 24, 2018 – Reg. # PA2145468

13) Pukaar, Ep. # 23, 2018 – Reg. # PA2145460

12. Attached as **Exhibit 13** is a true and correct copy of Certificates of Registration from the United States Copyright Office for the following Geo USA LLC works:

14) Aaj Shahzeb Khanzada Kay Saath, July 31, 2018 – Reg. # PA2149176

15) Apas Ki Baat, July 31, 2018 – Reg. # PA2149165

16) Capital Talk, August 1, 2018 – Reg. # PA2149169

13. Attached as **Exhibit 14** is a true and correct copy of Certificates of Registration from the United State Copyright Office for the following Hum Network Limited works:

17) Aik Larki Aam Si, Ep. # 31 (2018)– Reg. # PA2149091

18) Aik Larki Aam Si, Ep. # 32 (2018)– Reg. # PA2149081

19) Band Khirkiyan, Ep. # 2 (2018) – Reg. # PA2149161

20) Band Khirkiyan, Ep. # 8 (2018) – Reg. # PA2154545

21) Ishq Tamsha, Ep. # 21 (2018) – Reg. # PA2149076

22) Jago Pakistan Jago, July 31, 2018 – Reg. # PA2149159

23) Kaisi Aurat Moon Main, Ep. # 14 (2018) – Reg. # PA2149294

24) Maa Sadqey, Ep. # 137 (2018) – Reg. # PA2149243

25) Main Khayal Hoon Kisi Aur Ka, Ep. # 6 (2018) – Reg. # PA2149312

26) Mein Har Nahin Manongi, Ep. # 13 (2018) – Reg. # PA2149190

27) Mein Har Nahin Manongi, Ep. # 28 (2018) – Reg. # PA2154586

28) Tabeer, Ep. # 24 (2018) – Reg. # PA2149272

29) Ustani Jee, Ep. # 15 (2018) – Reg. # PA2149303

30) Zun Mureed, Ep. # 22 (2018) – Reg. # PA 2149199

14. Attached as **Exhibit 15** is a true and correct copy of Certificates of Registration from the United State Copyright Office for the following MBC FZ LLC works:

- 31) Hit Al Mawsem, Season 2, Ep. # 2 (2018) – Reg. # PA2154603
- 32) Sada Al Mala'eb, Ep. #113 (2017) – Reg. # PA2107550
- 33) Sada Al Mala'eb, Ep. #115 (2017) – Reg. # PA2107551
- 34) Sada Al Mala-eb, Ep. # 454 (2019) – Reg. # PA2187986
- 35) Takhareef, Ep. # 1 (2018) – Reg. # PA2154573
- 36) Bab Al Hara (Drama Edit V2) (4), Ep. # 18 (2017) – Reg. # PA 2107541
- 37) Al Chef Hassan, Ep. # 317 (2017) – Reg. # PA2107548
- 38) Al Chef Hassan, Ep. # 319 (2017) – Reg. # PA2107549
- 39) Al Hekaya Ma Amr Adib, Ep. # 36 (2019) – Reg. # PA 2187989
- 40) Tasali Ahla Alam, Ep. # 316 (2017) – Reg. # PA 2107546
- 41) Tasali Ahla Alam, Ep. # 60 (2019) – Reg. # PA 2188002
- 42) Yahdoth fe Masr, Ep. 36 (2019) – Reg. # PA 2187990

15. Attached as **Exhibit 16** is a true and correct copy of the screenshots of the registration data pages from the United States Copyright Office online catalog for the following MSM Asia Limited works:

- 43) Aladdin: Naam Toh Suna Hoga, Ep. # 30 (2018) – Reg. # PA2164508
- 44) Aladdin: Naam Toh Suna Hoga, Ep. # 99 (2019) – Reg. # PA2173211
- 45) Aladdin: Naam Toh Suna Hoga, Ep. # 123 (2019) – Reg. # PA2173206
- 46) Aladdin: Naam Toh Suna Hoga, Ep. # 143 (2019) – Reg. # PA2183058
- 47) Band Baja Band Darwaja, Ep. # 3 (2019) – Reg. # PA2183065
- 48) Band Baja Band Darwaja, Ep. # 12 (2019) – Reg. # PA2183062

- 49) Beechwale Bapu Dekh Raha Hai, Ep. # 1 (2018) – Reg. # PA 2164509
- 50) Beechwale Bapu Dekh Raha Hai, Ep. # 69 (2019) – Reg. # PA2183073
- 51) Bhakharwadi, Ep. # 16 (2019) – Reg. # PA2183077
- 52) Jijaji Chhat Par Hai, Ep. # 238 (2019) – Reg. # PA2171618
- 53) Jijaji Chhat Par Hai, Ep. # 259 (2019) – Reg. # PA2173231
- 54) Mangalam, Ep. # 15 (2019) – Reg. # PA2171620
- 55) Mangalam, Ep. # 37 (2019) – Reg. # PA2173245
- 56) Mangalam, Ep. # 60 (2019) – Reg. # PA2173258
- 57) My Name Ijj Lakhan, Ep. # 3 (2019) – Reg. # PA2173264
- 58) Super Sisters – Meet the Sisters. Ep. # 41 (2018) – Reg. # PA2164513
- 59) Taraak Mehta Ka Ooltah Chashmah, Ep. # 2566 (2018) – Reg. #
PA2164514
- 60) Taraak Mehta Ka Ooltah Chashmah, Ep. # 2614 (2018) – Reg. #
PA2173283
- 61) Taraak Mehta Ka Ooltah Chashmah, Ep. # 2636 (2019) – Reg. #
PA2183100
- 62) Taraak Mehta Ka Ooltah Chashmah, Ep. # 2679 (2019) – Reg. #
PA2183103
- 63) Tenali Rama, Ep. # 322 (2018) – Reg. # PA 2164515
- 64) Tenali Rama, Ep. # 370 (2018) – Reg. # PA 2173288
- 65) Tenali Rama, Ep. # 415 (2019) – Reg. # PA 2179720
- 66) Tenali Rama, Ep. # 435 (2019) – Reg. # PA 2183108

Additional Exhibits

16. Attached as **Exhibit 17** is a true and correct copy of a court order entered on December 7, 2015 in *China Central Television v. Create New Tech. (HK) Ltd.*, No. 15-01869 MMM (AJWx) (C.D. Cal.), Dkt. 158. Attached as **Exhibit 18** is a true and correct copy of a subsequent order entered in that same case on May 31, 2016, Dkt. 192.

17. Attached as **Exhibit 19** is a true and correct copy of an order entered on August 24, 2018 in *DISH Network L.L.C. v. Mo' Ayad Al Zayed Trading Est.*, No. 4:17-cv-03909, Dkt. 24 (S.D. Tex.).

18. Attached as **Exhibit 20** is a true and correct copy of a report and recommendation entered on September 15, 2016 in *DISH Network L.L.C. v. Shava IPTV Network LLC*, No. 1:15-cv-00706 (TSE/IDD) (E.D. Va), Dkt. 120. Attached as **Exhibit 21** is a true and correct copy of a subsequent judgment order entered in that same case on January 24, 2017, Dkt. 124. Attached as **Exhibit 22** is a true and correct copy of a subsequent report and recommendation entered in that same case on February 2, 2018, Dkt. 136. Attached as **Exhibit 23** is a true and correct copy of a subsequent order entered in that same case on February 22, 2018, Dkt. 138.

19. Attached as **Exhibit 24** is a true and correct copy of a court order entered on March 17, 2017 in *DISH Network L.L.C. v. Lool Tech Co., Ltd.*, No. 4:16-cv-01771, Dkt. 25 (S.D. Tex.).

20. Attached as **Exhibit 25** is a true and correct copy of a court order entered on May 5, 2017 in *Times Content Limited v. Doe*, No. 4:17-cv-01287, Dkt. 10 (S.D. Tex.).

21. Attached as **Exhibit 26** is a true and correct copy of a court order entered on April 30, 2015 in *Showtime Networks Inc. v. Doe*, No. 2:15-cv-03147-GW-MRW, Dkt. 20 (C.D. Cal.).

22. Attached as **Exhibit 27** is a true and correct copy of a court order entered on October 3, 2014 in *Warner Bros. Entm't, Inc. v. Doe*, No. 14-cv-3492, Dkt. 27 (S.D.N.Y.).

I declare under penalty of perjury that the foregoing is true and correct. Executed
on January 30, 2020.

/s/ Stephen M. Ferguson
Stephen M. Ferguson